

The City of West University Place

A Neighborhood City

CITY COUNCIL

Susan Sample, Mayor
Bob Kelly, Mayor Pro Tem
Burt Ballanfant, Councilmember
Brennan Reilly, Councilmember
Mardi Turner, Councilmember

STAFF

M. Chris Peifer, City Manager
Alan Petrov, City Attorney
Thelma Lenz, City Secretary

CITY COUNCIL MEETING MINUTES

The City Council of the City of West University Place, Texas, met in workshop and regular session on **Monday, February 22, 2016**, in the Municipal Building, 3800 University, West University Place, Texas beginning at **6:00 p.m.**

SPECIAL MEETING/WORKSHOP (held in the Bill Watson Conference Room at 6:00 p.m.)

Agenda Items were as follows:

Call to Order. Mayor Sample called the meeting to order at 6:00 p.m. in the Conference Room. Council and Staff in attendance were: Mayor Pro Tem Kelly, Councilmembers Ballanfant, Reilly and Turner, City Manager Peifer, City Secretary Lenz, City Attorney Petrov, Public Works Director Beach, Parks and Recreation Director O'Connor and Police Chief Walker.

Parks Board Chair, Kevin Boyle, was also in attendance.

1. Park Acquisition and Development

Matters related to the future acquisition and development of parkland in West University Place.
Recommended Action: Discuss and take any desired action.

Parks and Recreation Director O'Connor presented this item. He started by saying that, though it was reported on the Instant News website that staff would be revealing possible new park sites to Council, staff will not be presenting/recommending any new park sites to Council this evening.

Mr. O'Connor said at this meeting staff will discuss with Council an overview of the citizen survey from 2015, the legal opinion on the direction of spending the \$2,000,000 in approved municipal bonds from the 2006 Bond Election, possible parkland sites that have been discussed in the past with the landowners, and the formation of a parks acquisition citizen task force and the expected duties and responsibilities of such a task force.

Mr. O'Connor briefly reviewed a PowerPoint presentation that was presented at the September 28, 2015 Council meeting and summarized the citizen survey in relation to the acquisition of additional parkland.

Councilmember Ballanfant said there was an election [in 2006] and the majority of the people voted to acquire parkland and appropriated \$2,000,000 to do that, and his thought is that an election outweighs a survey.

Councilmember Turner stated that it is still a matter for discussion, but given that the election was 10 years ago, there has been significant turnover in the community. She said the City is reaching the end of the timeframe on that election in November of this year.

After completing his presentation, Mr. O'Connor said Council's direction is needed for staff to (1) update the potential properties map, (2) update the 2007-2008 Park Acquisition and Development Criteria forms, (3) consider appointments of a 2015-2017 Task Force, (4) develop a written conceptual vision for both active and passive future parks, and (5) develop funding expectations and guidelines.

Regarding the 2006 Municipal Bond Election, City Attorney Petrov confirmed that there is generally a 10-year life span for bond authorizations and after the 10 years the Attorney General's Office would consider an election stale and would require a new election.

Regarding Councilmember Turner's statement that the City can't just issue \$2,000,000 in bonds and put the money in the bank and wait for available property, City Attorney Petrov said the City could do that to a certain extent. He said the City could issue the bond and obtain another three-year window to expend the funds following issuance; however, if the City does not spend the funds within the three years, it would lose its tax exempt status on the bonds and the purchasers of the bonds could then sue the City because tax exempt bonds were sold and not used as intended.

City Attorney Petrov confirmed with Councilmember Reilly that the City can't change the purpose of the contract with the voters who voted in the bond election, meaning that if time is running out and the City has not yet purchased property, which is what the voters approved, it can't use the funds to renovate a park.

Mr. O'Connor reviewed a document requested by Councilmember Turner that focused on two properties for the possible purchase of parkland. Mr. O'Connor stated that staff has had conversations with the property owners in the past regarding purchasing their properties for parkland.

Councilmember Turner said she asked Mr. O'Connor to look at realities and real possibilities as opposed to moon shots. She said when she was on the Parks Board, they looked at every property valued with improvements under \$100,000 and she said there were a lot of them. She said it takes a lot of effort for staff to create a map of all those properties; so, because the City knows of two certain properties, she suggested that Mr. O'Connor focus on those two for this presentation.

Mr. O'Connor discussed the two properties – one at Pittsburgh and Mercer (Ownby property) and one at Duke and Mercer (Lintner Property) – being discussed.

Councilmember Turner asked whether Council wants to appoint a task force to pursue the two individual properties and have that task force be partially involved in finding funding since \$2,000,000 won't be enough. She confirmed with Mr. O'Connor that it may be 4 years down the road before property is available for purchase, but said the City could be putting a plan in place to make things a little more concrete. She said the City could also be looking at an alternative of expanding one or more of the existing parks by acquiring adjacent properties.

Councilmember Turner said there doesn't seem to be, and never has been, a great deal of enthusiasm for any of the properties that were identified in 2007-2008. She said as soon as the Parks Board landed on the "perfect" property, the neighborhood generally got upset about the

concept. She said the Ownby and Lintner properties seem more likely to be acceptable to the community in general.

Councilmember Ballanfant said he thinks that Council should be bound by election results, so he thinks Council should proceed with selling the bonds and acquire the parkland in the area identified in the bond election language.

Councilmember Turner pointed out that those properties aren't available at this time and the probability of acquiring one of the properties is 4 to 5 years out and if the bonds were sold today, the property would have to be purchased within 3 years.

City Attorney Petrov said Council could consider structuring a purchase agreement with the owners that would take effect in 4 or 5 years. He said the money could be placed in an escrow and that a definite contract to expend the funds would satisfy the IRS requirements.

Councilmember Reilly said he agrees with Councilmember Ballanfant and said he wouldn't have a problem acquiring parkland for \$2,000,000 but he wouldn't raise taxes to acquire property over \$2,000,000. He said he believes there are alternative revenue sources.

Mayor Sample said she doesn't think the City can earmark monetizing property. She said the City has debt and other things it might want to pay first.

It was requested that this item be added to the next regular agenda.

2. Adjourn

At 6:35 p.m., Mayor Sample closed and adjourned the Workshop/Special meeting.

REGULAR MEETING (held in the Council Chambers at 6:30 p.m.)

Agenda Items were as follows:

Call to Order. Mayor Sample called the meeting to order at 6:35 p.m. in the Council Chambers. Council and Staff in attendance were: Mayor Pro Tem Kelly, Councilmembers Ballanfant, Reilly and Turner, City Manager Peifer, City Secretary Lenz, City Attorney Petrov, Public Works Director Beach, Parks and Recreation Director O'Connor and Police Chief Walker.

Mayor Pro Tem Kelly led the Pledge.

City Secretary Lenz confirmed that the notice of this meeting was duly posted in accordance with the Texas Government Code, Chapter 551.

3. Public Comments

This was an opportunity for citizens to speak to Council relating to agenda and non-agenda items.

Eddie Matthews, 5906 Fordham, spoke about the issue of parkland acquisition. He said he does not have a problem with Council and staff exploring potential site acquisitions, but feels that it is incumbent upon the Council to present an updated or new plan, with cost estimates included, to the voters for approval. He said Council should not rely on a 9 or 10-year-old vote, which is his mind is

now stale. Mr. Matthews said some of the residents who voted in 2006 may have either moved away from the City or their opinion may have changed as their children aged. He said \$2,000,000 won't buy as much in 2016 as it did in 2006, so the \$2,000,000 bond issue seems to be totally inadequate. Mr. Matthews said, in addition, the 2015 Citizen Survey certainly did not give a majority support for new parkland, so if a proposal is developed to acquire additional parkland it and proposed funding should be submitted to the residents for a new vote and their approval.

Ramsay Elder, 2817 Tangley, spoke to remind Council that in the past 40 years (1975-2015) the City acquired over 300,000 square feet of parkland all on the west side and no bond election was ever required with the respect to purchase of any of these properties. He said the land was simply purchased with available funds or Certificates of Obligations were issued and only now when it is the east side's turn for parkland are requirements being made and the rules being changed. Mr. Elder said no election should be required for parkland acquisition.

Alida Drewes, 6112 Fordham Street, spoke to say if there is a time limit for the acquisition of parkland, it should have been put on the agenda after the city manager [Michael Ross] was fired. She said residents are seeing more broken campaign promises, because taxpayers did not say to expand existing parks. She said expanding existing parks does not help those residents who can't walk to a park now. Ms. Drewes said surveys did not include land to Kirby Drive, so again Council is not listening to the will of the people. She said the taxpayers want fair treatment and asked Council to quit discriminating against the people on the east side.

4. Evelyn Park Development

Matters related to the status of the development of Evelyn's park in Bellaire, including possibility of shared parking arrangements with the City of Bellaire for Evelyn's park. *Discuss and take any desired action.*

Parks and Recreation Director O'Connor presented and said that Councilmember Reilly requested that staff provide Council an update on the development of Evelyn's Park, specifically the possibility of a shared parking arrangement with the City of Bellaire.

Mr. O'Connor introduced Patricia King-Ritter and Lou Waters, President and Vice President, respectively, of Evelyn's Conservancy and they provided Council with the vision and masterplan of Evelyn's Park, which is being developed on a 5-acre property at New Castle and Holcombe.

After their presentation, the CenterPoint Energy Easement west of the railroad was discussed. Mr. Waters said the Evelyn Conservation has an agreement with CenterPoint to hold that easement for them so it can be developed for additional parking. He said they recently met with some CenterPoint representatives to kickoff discussions regarding the matter and will be meeting with the City of Houston Parks representatives because the City of Houston has a large amount of CenterPoint easement property under contract. Mr. Waters said they have a lot of homework to do and will keep West U posted and, at the appropriate time, look to discuss a shared agreement with the City as things develop.

Councilmember Reilly asked Mr. Waters if he feels there is already enough parking for the conservancy. Mr. Waters said, yes, but it's been made very clear by the citizens and the Council of Bellaire to be prepared for the larger events. He said they view the easement along the railroad as overflow parking and it could also be great for valet parking for their private events.

After Mr. Waters and Ms. King-Ritter completed their presentation, Mr. O'Connor gave an overview of staff's action in regard to shared parking and a safe pedestrian railroad crossing. He said in August 2015, he contacted the City of Bellaire to determine if there was a possibility of West University Place sharing the cost of the development of a parking lot on the CenterPoint utility corridor. At that time Bellaire was investigating in respect to developing a 200 – 250 space lot to accommodate off-site parking for Evelyn's Park. He said upon follow-up with the City of Bellaire, it appears the parking lot on CenterPoint property is not a high priority at this time for them, but they have graciously agreed to keep the City in the loop as they move forward.

Mr. O'Connor said staff's concern in looking at the initial paperwork shared by Bellaire's Parks and Recreation Director, Karl Miller, CenterPoint has a requirement that the entity building the parking lot have property immediately adjacent to the lot and the City of West U doesn't meet the criteria.

Regarding a safe pedestrian crossing, Mr. O'Connor said staff has conducted an initial investigation in regard to facilitating construction of a safe pedestrian crossing on the north side of Bellaire Boulevard at the BNSF rail-road crossing and found that it is doable. He said he contacted Annett Jenkins, Senior Manager of Permits with the Rail Practice Group, and she informed him that the City would need to file an application (\$750.00) for a private crossing permit and submit that application along with a drawing that reflects the pedestrian crossing at the exact location. He said staff facilitated some very preliminary research on pedestrian crossings and discovered that such construction normally costs in excess of \$75K.

City Manager Peifer pointed out that another hurdle is the fact that some time ago, the railroad easement was annexed into the City of Houston, as well as the last 500 feet of Bellaire Blvd., so if Council decides to move forward with the project, it would require approval from Houston.

Councilmember Reilly inquired about the crushed gravel parking lot on the west side of the Recreation Center that is used mainly for sporting events. He asked would that parking lot be something Bellaire would be interested in using in the near term giving that it is already developed. Mr. O'Connor said he said he can't answer that, but without a safe pedestrian crossing, he's not certain that it would be of any interest.

Mr. O'Connor said to be clear, the City doesn't own that property and that the City has a gentlemen's agreement with the ELPH Pipeline and so the City was able to do a complete regrade in 2010. He said it doesn't look like a parking lot, but rather something the railroad may be using for service; so, staff suggested adding an asphalt overlay and putting in striping and parking blocks. He said the current unstriped parking lot can accommodate approximately 30 vehicles and with the paved, striping and concrete parking blocks, the space can accommodate 52 vehicles.

Mayor Sample said if the City is looking at 50 or more parking spots and use of an underutilized field behind it, the City has increased its parking 40 percent than what it already has. She said if the City can configure something like what staff is suggesting for minimal costs, it will drive people onto Bellaire and out of parking in front of houses in the neighborhoods.

Mr. O'Connor said Public Works Director Beach is looking into the associated costs. He said he is in conversations with ELPH Pipeline. He said they currently have verbal agreements with several of the residents along Community between Bissonnet and Holcombe for the use of the right-of-way. He said the representative he is dealing with at ELPH, Steve Cross, indicated that there is an active CenterPoint pipeline in the corridor, which he believes is natural gas. Mr. O'Connor said ELPH is amenable to considering the sale, long-term lease, rental or maintenance of the corridor in

exchange for the City's use of the property. He said staff is moving as quickly as possible on this and ELPH has been very receptive at this point.

Councilmember Reilly said a lot of people are anticipating the opening of Evelyn's Park and if there is anything the City can do to help out, he thinks it would be welcomed by the City. He said he would love for staff to continue getting estimates on expanding the parking and to also consider the discussions with the railroad and the City of Houston about the possibility of improving pedestrian access for the residents of West U to be able to access Evelyn Park. He said it is a little way to give back what the City will get from that park as citizens of West U.

Mr. O'Connor said if it is the consensus of Council, staff will move forward on the safe pedestrian crossing.

Mayor Pro Tem Kelly said he wants to be sure that there will be no issue in spending the City's money outside of the City's limits.

City Attorney Petrov said the City has to be sure it is spending City funds for a Municipal purpose and so it would have to be tied back to the citizens of West U.

With that said, Mayor Pro Tem Kelly said he agrees with Mayor Sample and Councilmember Reilly. He said the City is extremely fortunate to have Evelyn's Park right there on the City's boundary and so to the extent of what the City can do within the purview of the law, the City should take a hard look at it.

Mayor Sample said maybe the City could work out shared parking with them. She said putting a walking access with taxpayer's dollars is probably something the Council shouldn't be asking residents to do. She said residents probably wouldn't walk a mile or half a mile from their homes to go to Evelyn's Park, especially since there is opposition about spending money on a park in West U. She said Council needs to be looking at what it is spending in West U before spending it for a long distance walking to a park in another city.

Councilmember Reilly said it would be an absolute bargain compared to the \$3,000,000 it would cost the City for something that would be a fraction of Evelyn Park. He said from the Rec Center to Evelyn Park is probably 200 yards at most.

Councilmember Reilly moved to request that City staff continue its investigation of improving the parking lot on the west side of the Rec Center and investigate a potential safe pedestrian crossing of the railroad tracks.

Mayor Sample said the two issues should be separate because one relates to the safe pedestrian crossing and the other is parking for West U.

Councilmember Reilly requested a second to his motion.

Mayor Sample said she would like to amend Councilmember Reilly's motion to make it two separate motions – one for a pedestrian crossing over the railroad track and one for moving forward with looking for expanding parking for the Rec Center.

City Attorney Petrov said first there needs to be a Second for Councilmember Reilly's motion and then a motion to amend.

Councilmember Reilly's **motion failed** due to lack of a second, so he made another motion.

Councilmember Reilly moved to request that staff continue its investigation of potential pedestrian crossing of the railroad at the west side of West U that intersects with Bellaire. Mayor Pro Tem Kelly seconded the motion. **MOTION PASSED.**

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| Ayes: | Sample, Kelly, Ballanfant, Reilly, Turner |
| Noes: | None |
| Absent: | None |

Mayor Sample moved to request that staff continues its investigation of expanding Rec Center parking to the west of the Rec Center to include the utility easement and the vacant lot behind the Rec Center. Councilmember Reilly seconded the motion.

Councilmember Reilly requested discussion and said it is his understanding that the expansion into the second lot would potentially involve a turnaround. He asked would there be actual parking adjacent to the homes on Community.

Mr. O'Connor said he believes that is what the motion involves, but staff would ask that they be allowed as part of the investigation to visit with Tri-Sports and with the immediate neighbors, because the City does have a gentlemen's agreement with Tri-Sports that the lot would be for future use for storage and possibly some batting cages for Tri-Sports. He said staff has kept the neighbors involved in the process since 2004 and much more intensely since 2007 so they would be aware of the City's intentions.

Councilmember Reilly suggested that staff make it clear that the request to investigate is contingent on what the neighbors have to say. He said his guess is that they wouldn't want batting cages next to their homes, but in any event, he thinks staff should talk to the neighbors before adding a bunch of parking immediately adjacent to their homes as opposed to taking a piece of that lot and having a turnaround. He said staff should be careful that the homeowner knows that staff is not recommending that it turn the lot adjacent to them into a parking lot, but rather staff is investigating and starting discussions about it.

Councilmember Ballanfant said discussions at this point might be more meaningful if Council has staff review this and come back to Council with several different proposals in order to weigh the merits of each proposal.

City Manager Peifer said staff's intention as it proceeds is to have some immediate action and relief for the summer season.

Mayor Sample said it is important to look at that lot because she doesn't know if it's appropriate to hold a vacant lot off the tax rolls for future use by Tri-Sports if they want it. She said Tri-Sports would probably appreciate alleviating parking or turnaround because it's so crowded and people have to park a half a mile away and cut through the neighborhoods to get to events.

Councilmember Ballanfant said a lot of this discussion has been about lots, easements, and right-of-ways, etc., and none of that is in the material in front of Council. He said if Council is going to vote on something like this, it needs maps showing what is being proposed and what the alternatives

are, so that Council can see what the full menu is and not just be voting on a proposal that spawned here at the meeting.

Mayor Sample informed Councilmember Ballanfant that the motions being made tonight direct staff to investigate the options and come back to Council with alternatives and plans.

Councilmember Reilly said he feels this process of discussing this relatively early on is useful in order to decide whether it is something Council wants staff to investigate. He said it is a good way of doing business and lets the public know well in advance that something is being planned.

At this time a vote was made to the motion by Mayor Sample and second by Councilmember Reilly.
MOTION PASSED.

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| Ayes: | Sample, Kelly, Ballanfant, Reilly, Turner |
| Noes: | None |
| Absent: | None |

5. Solid Waste Ordinance

Matters related to updating Chapter 38 Garbage and Trash of the Code of Ordinances of the City of West University Place. *Recommended Action: Approve ordinance of the Code of Ordinances of the City of West University Place on the first of two readings.*

Public Works Director Beach presented this item and said the proposed ordinance is an update to the solid waste ordinance that was last updated in 2003. He said the changes are to make the Code reflect what the City is currently doing and to reflect the addition of two new services – yard waste recycling and the curbside bulk trash collection. He said the suggested changes have been approved by legal and so Council is being asked to approve the proposed ordinance on the first of two readings.

Mr. Beach reviewed briefly the proposed changes:

- Adding “Recycling” to the title of the Chapter
- Revising and adding definitions to Article 1, Section 3
- Changing how regulars take effect as established by the director
- Adding language that would allow disposal of waste in the storm sewer system unlawful
- Clarifying preparation of recycling materials
- Changing number of days before collection to the placement requirement for tree limbs
- Adding Bulk Waste section
- Addition of “nuisance” to Section 38-20
- Adding provision to allow Code Enforcement Officer to take action violations
- Removing provisions granting credit of solid waste fee for participating in recycling

Councilmember Turner moved to approve the recommended changes to Chapter 38 of the Code of Ordinances on the first of two readings. Councilmember Reilly seconded the motion. **MOTION PASSED.**

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| Ayes: | Sample, Kelly, Ballanfant, Reilly, Turner |
| Noes: | None |
| Absent: | None |

6. Future Agenda Items

Matters related to future agenda items. *Discuss and take any desired action.*

Mayor Pro Tem Kelly requested that the video distribution item be scheduled for the next meeting (March 14, 2016).

7. Consent Agenda

All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member requests in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

A. City Council Meeting

Approve City Council Minutes of the February 8, 2016. *Recommended Action: Approve Minutes.*

Councilmember Reilly requested that the Minutes be removed from the Consent Agenda for discussion.

Councilmember Reilly said on the bottom of Page 2, he stated incorrectly at the meeting that the law prohibiting parking on sidewalks was enacted in 1995, but the law was actually codified in 1995. He said after additional research, it turns out that the law prohibiting parking on sidewalks was part of the Vernon's 1948 Code, so he wanted to include that information in the Minutes.

City Attorney Petrov said the motion should be to add an addendum to the Minutes.

Councilmember Reilly moved to add an addendum to the Minutes to reflect that the State law prohibiting parking on sidewalks was codified in 1995, but was part of Vernon's Civil Statutes in 1948 and may have been part of earlier Texas State law. Mayor Pro Tem Kelly seconded the motion.

City Secretary Lenz said she will add a clarifying statement to the February 8, 2016 Minutes.

A vote was made on the motion. **MOTION PASSED.**

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| Ayes: | Sample, Kelly, Ballanfant, Reilly, Turner |
| Noes: | None |
| Absent: | None |

A motion was made by Councilmember Reilly to approve the Minutes as amended. Mayor Pro Tem Kelly seconded the motion. **MOTION PASSED.**

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| Ayes: | Sample, Kelly, Ballanfant, Reilly, Turner |
| Noes: | None |
| Absent: | None |

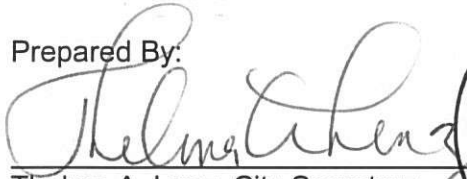
8. Adjourn

Before adjournment, City Manager Peifer announced that the Drug Enforcement Task Force plans on providing advertisement for a prescription take back program on April 30th. He said more information is forthcoming from the DEA and West U.

With no further discussion, Councilmember Turner moved to adjourn the meeting at 7:55 p.m. Councilmember Ballanfant seconded the motion. **MOTION PASSED.**

Ayes: Sample, Kelly, Ballanfant, Reilly, Turner
Noes: None
Absent: None

Prepared By:


Thelma A. Lenz, City Secretary




Date Approved